

United States Department of Agriculture



Natural Resources Conservation Service
P.O. Box 1458
Bismarck, ND 58502-1458

November 3, 2010

Todd Hartleben
McCain and Associates, Inc.
2718 Gateway Avenue, Suite 101
Bismarck, ND 58503

RE: Proposed Oil Pipeline
Quintana Capitol Group GP, Ltd.

Dear Mr. Hartleben:

The Natural Resources Conservation Service (NRCS) has reviewed your letter dated September 22, 2010, regarding a proposed oil pipeline approximately 165 miles of 10 and 12 inch steel crude oil pipeline.

Important Farmlands - NRCS has a major responsibility with FPPA in documenting conversion of farmland (i.e., prime, statewide, and local importance) to non-agricultural use. It appears your proposed project is not supported by Federal funding or actions; therefore, no further action is required.

Wetlands – The Wetland Conservation Provisions of the 1985 Food Security Act, as amended, provide that if a USDA participant converts a wetland for the purpose of, or to have the effect of, making agricultural production possible, loss of USDA benefits could occur. NRCS has developed the following guidelines for the installation of buried utilities. If these guidelines are followed, the impacts to the wetland(s) will be considered minimal allowing USDA participants to continue to receive USDA benefits. Following are the requirements: 1) Disturbance to the wetland(s) must be temporary, 2) no drainage of the wetland(s) is allowed (temporary or permanent), 3) mechanized landscaping necessary for installation is kept to a minimum and preconstruction contours are maintained, 4) temporary side cast material must be placed in such a manner not to be dispersed in the wetland, and 5) all trenches must be backfilled to the original wetland bottom elevation.

Helping People Help the Land

An Equal Opportunity Provider and Employer

Mr. Hartleben
Page 2

NRCS would recommend that impacts to wetlands be avoided. If the project requires passage through or disturbance of a wetland, NRCS can complete a certified wetland determination, if requested by the landowner/operator.

If you have additional questions pertaining to FPPA, please contact Steve Sieler, State Soil Liaison, at (701) 530-2019.

Sincerely,


JEROME SCHAAR
State Soil Scientist/MO Leader



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1513 SOUTH 12TH STREET
BISMARCK ND 58504-6640

November 02, 2010

North Dakota Regulatory Office

McCain and Associates, Inc.
Attn: Todd Hartleben, P.E.
2718 Gateway Avenue, Suite 101
Bismarck, North Dakota 58503

Dear Mr. Sorenson:

This is in response to your letter dated September 22, 2010, requesting Department of the Army (DA), US Army Corps of Engineers (Corps) comments regarding the construction of a crude oil pipeline system consisting 10 and 12-inch steel crude oil pipeline extending from multiple receipt points in McKenzie, Mountrail, and Williams Counties, North Dakota, to Watford City, North Dakota and a 16-inch steel crude pipeline extending from Watford City to interconnect with the Keystone XL Pipeline System in Fallon County, Montana.

Corps regulatory offices administer Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Section 10 of the Rivers and Harbors Act regulates work in, over or under navigable waters. The Missouri River (Lake Sakakawea) is considered navigable waters. Section 404 of the Clean Water Act regulates the discharge of dredge or fill material (temporarily or permanently) in waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, ditches, coulees, lakes, ponds, and their adjacent wetlands. Fill material include, but is not limited to, rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mines or other excavation activities and materials used to create any structure or infrastructure in the waters of the United States.

Nationwide Permit 12 authorizes activities for the construction of utility lines. A copy of this nationwide permit and conditions is enclosed. **The nationwide permit and conditions are submitted only for informational purposes and in no way is it, or this letter, to confirm that your activity complies with the nationwide permit and conditions.** As explained within Nationwide Permit 12, the permittee is required to submit a pre-construction notification to the Corps of Engineers prior to construction if any of seven criteria are met.

Your proposal will require review by the Corps in accordance with Section 10 of the Rivers and Harbors Act and possibly Section 404 of the Clean Water Act. Please complete and submit the enclosed Corps of Engineers permit application to the U. S. Army Corps of Engineers, North Dakota Regulatory Office, 1513 South 12th Street, Bismarck, North Dakota 58504.

If we can be of further assistance or should you have any questions regarding our program, please do not hesitate to contact this office by letter or phone at (701) 255-0015.

Sincerely,

A handwritten signature in dark ink, reading "Daniel E. Cimarosti". The signature is fluid and cursive, with the first name "Daniel" being the most prominent.

Daniel E. Cimarosti
Regulatory Program Manager
North Dakota

Enclosures
ENG Form 4345
Fact Sheet NWP 12



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
BILLINGS REGULATORY OFFICE
POST OFFICE BOX 2256
BILLINGS, MONTANA 59103-2256

November 17, 2010

Regulatory Branch
Montana State Program
Corps No. **NWO-2010-02452-MTB**

Subject: Quintana Capital Group GP, Ltd. Proposed Oil Pipeline

Mr. Todd Hartleben
McCain and Associates, Inc.
2718 Gateway Avenue, Suite 101
Bismarck, North Dakota 58503

Dear Mr. Hartleben:

Reference is made to your letter requesting comments on behalf of Quintana Capital Group GP, Ltd. regarding their proposed oil pipeline that will extend from North Dakota to interconnect with the Keystone XL Pipeline System in Fallon County, Montana.

Under the authority of Section 404 of the Clean Water Act, Department of the Army permits are required for the discharge of fill material into waters of the United States. Waters of the United States include the area below the ordinary high water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters. Isolated waters and wetlands, as well as man-made channels and ditches, may be waters of the United States, which must be determined on a case-by-case basis. Under the authority of Section 10 of the Rivers and Harbors Act, Department of the Army permits are required for structures or work in, over, under or affecting navigable waters of the United States.

If the boring method will be used for crossing all waterways and wetlands, it is likely that no DA permit will be required. However, if any waterways or wetlands will be trenched through, it is likely that this project will be authorized by Department of the Army Nationwide Permit 12, found in the March 12, 2007 Federal Register (72 FR 11092), Reissuance of Nationwide Permits. Enclosed is a fact sheet that fully describes this Nationwide Permit and lists the General and Regional Conditions that must be adhered to for an authorization to be valid.

If the final design prescribes the placement of fill material in any of the jurisdictional areas described above, complete an application form prior to doing any work. The application can be found at <http://www.nwo.usace.army.mil/html/od-rmt/applications.html>. Please also include a table describing waterways and wetlands that will be impacted by this project. This table should include the lat/long, legal description, stream or wetland type, and amount of impact for each channel and wetland crossing. Include a delineation of special aquatic sites such as wetlands or pool and riffle complexes that will be impacted. Any loss of an aquatic site may require mitigation. Mitigation requirements will be determined during the Department of the Army permitting review.

This office also recommends the following to minimize impacts to aquatic resources:

- Bore underneath perennial waterways.
- Work done in non-perennial streams should be conducted during times of low or no flow.
- Spoil materials must not be placed within 50 feet of any wetland, drainage channel, irrigation ditch, or stream.
- Wetland sods should be stockpiled and replaced.

Please contact me at (406) 657-5910 if you have any questions and reference Corps File Number NWO-2010-02452-MTB.

Sincerely,



Cathy Juhas
Regulatory Project Manager

Enclosures



United States Department of the Interior

National Park Service
Theodore Roosevelt National Park
Post Office Box 7
Medora, North Dakota 58645



L2427

December 27, 2010

Todd Hartleben, P.E.
McCain and Associates, Inc.
2718 Gateway Ave., Suite 101
Bismarck, ND 58503

Dear Mr. Hartleben:

Thank you for your letter of September 22 as well as the shape files you sent of the proposed route of the Bakken Link pipeline in the vicinity of Theodore Roosevelt National Park.

The shape files were particularly helpful, as they allowed us to see the exact proposed route of the pipeline east of the North Unit of the park. Many people and agencies do not realize that the national park boundary is to the east of Highway 85 so we check out projects carefully to ensure there is no issue with park lands. In this case, it looks as though the pipeline would be built just a few hundred yards east of the North Unit boundary in Section 25.

We assume there would be no disturbance to park lands, or to private lands within the North Unit boundary. The pipeline route is two miles from the South Unit at its closest point. Therefore, we have no concerns about the current proposed route of the pipeline.

We have printed a large scale map from your shape files, and will have that available for anyone who inquires about the proposed pipeline and its potential effect on the national park. This may help alleviate concerns of conservation groups or individuals regarding the pipeline's route as it relates to the park.

Please keep us informed about this project as the planning progresses. If the route should change significantly in the planning process, please let us know.

Thank you.

Valerie J. Naylor
Superintendent



North Dakota Department of Transportation

Francis G. Ziegler, P.E.
Director

John Hoeven
Governor

October 8, 2010

Todd Hartleben, P.E.
McCain and Associates, Inc.
2718 Gateway Ave., Suite 101
Bismarck, ND 58503

CONSTRUCT A CRUDE OIL PIPELINE SYSTEM WITH MULTIPLE RECEIPT POINTS IN
MCKENZIE, MOUNTRAIL, AND WILLIAMS COUNTY, NORTH DAKOTA

We have reviewed your September 22, 2010, letter.

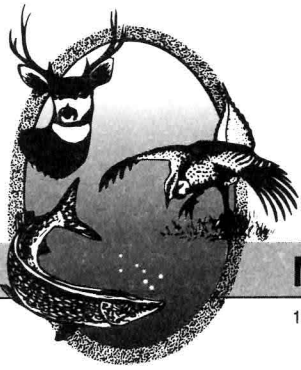
The project referenced above will have no adverse effect on the North Dakota Department of Transportation highways; however, pipelines are allowed to cross highways but are not allowed to run longitudinally in the right of way.

Additionally, if any work needs to be done on highway right-of-way, appropriate permits and risk management documents will need to be obtained from the Department of Transportation District Engineer, Walter Peterson at 701-774-2700.

RONALD J. HENKE, P.E., DIRECTOR - OFFICE OF PROJECT DEVELOPMENT

57:rjh:js

c: Walter A. Peterson, Williston District



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

October 19, 2010

Todd Hartleben, PE
Professional Engineer
McCain and Associates, Inc.
2718 Gateway Ave, Suite 101
Bismarck, ND 58503

Dear Mr. Hartleben:

RE: Proposed Oil Pipeline
Quintana Capital Group GP, Ltd.

The North Dakota Game and Fish Department has reviewed this project for wildlife concerns.

Our primary concern is the possible disturbance of native prairie and wooded draws associated with construction of the pipeline and access roads. We ask that work within these areas be avoided to the extent possible, every effort be made to prevent destruction of woody vegetation, and disturbed areas be reclaimed to pre-project conditions.

The department manages the Lewis & Clark and Hofflund Wildlife Management Areas within or adjacent to the project corridor. A special use permit would be required to cross these lands. Information regarding property locations is available in various formats at <http://gf.nd.gov/maps/>. Mr. Kent Luttschwager, Wildlife Resource Management Supervisor, can be contacted at 701-774-4320 for additional information on permit requirements.

The National Wetland Inventory indicates various wetlands within the proposed project corridor. Steps should be taken to protect any wetlands that cannot be avoided, no alterations should be made to existing drainage patterns, and above-ground appurtenances should not be placed in wetland areas.

The pipeline will cross several streams classified as valuable fisheries. These are the Missouri, Little Missouri, White Earth, Green, and Little Knife Rivers, as well as Cherry Creek. We recommend these streams be crossed by directional boring if possible. If this method is not feasible, construction should not take place within the waterway between April 15 and June 1, and controls should be implemented to minimize erosion and sedimentation.

We also suggest the US Army Corps of Engineers' North Dakota Regulatory Office be contacted for permit requirements under Section 404 of the Clean Water Act.

Sincerely,

A handwritten signature in cursive script, reading "Paul Schadewald". The signature is written in dark ink and is positioned above the printed name.

Paul Schadewald

Chief

Conservation & Communication Division

js



John Hoeven, Governor
Mark A. Zimmerman, Director

1600 East Century Avenue, Suite 3
Bismarck, ND 58503-0649
Phone 701-328-5357
Fax 701-328-5363
E-mail parkrec@nd.gov
www.parkrec.nd.gov

October 8, 2010

Todd Hartleben
McCain and Associates, Inc.
2718 Gateway Ave, Suite 101
Bismarck, ND 58503

Re: Quintana Capital Group, Ltd Proposed Oil Pipeline Project

Dear Mr. Hartleben:

The North Dakota Parks and Recreation Department (the Department) has reviewed the above referenced project proposal from Quintana Capital Group, Ltd. to construct approximately 165 miles of crude oil pipeline located in McKenzie, Mountrail, Williams, Billings, Stark, and Golden Valley Counties.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). The project as defined does not affect state park lands that we manage. We would like to bring to your attention several Land and Water Conservation Fund (LWCF) sites near the project area. Please see the attached spreadsheet listing the project names and numbers. These sites received assistance from the federal Land and Water Conservation Fund and are under protection of section 6(f) of the LWCF Act. Any property taken from within the 6f boundary of these sites must be replaced with property of equal market value. Should any public or private utilities need to be added or relocated on the LWCF recreational lands, the NDPRD must be consulted prior to any action taken. Please contact Jessica Riepl (701-328-5364 or jriepl@nd.gov) if additional LWCF information is needed.

The North Dakota Parks and Recreation Department is responsible for coordinating North Dakota's Scenic Byway and Backway Program. This proposed project is in proximity to the Theodore Roosevelt National Park North Unit Scenic Byway and as such we recommend any project development be completed with the least amount of or no visual impact to the immediate and distant views from that Byway. North Dakota Parks and Recreation Department staff should be contacted at 701-328-5355 to assist in mitigation of any potential impacts.

The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any current or historical plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, several occurrences have been identified within or adjacent to the project area. Please see the attached spreadsheet and map for more specific information on these species. We defer further comments regarding animal species to the North Dakota Game and Fish Department and the United States Fish and Wildlife Service.

Because this information is not based on a comprehensive inventory, there may be species of concern or otherwise significant ecological communities in the area that are not represented in the database. The lack of data for any project area cannot be construed to mean that no significant features are present. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

The Department recommends that the project be accomplished with minimal impacts and that all efforts be made to ensure that critical habitats not be disturbed in the project area to help secure rare species conservation in North Dakota. Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

The Department has provided spatial data (shapefiles) to McCain and Associates, Inc. representing the above mentioned Heritage species and communities, LWCF projects, and Scenic Byways and Backways in a previous email message.

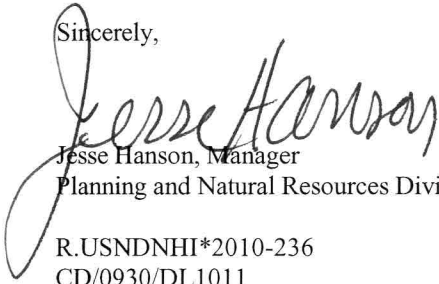
.....
Play in our backyard!

October 5, 2010

Page 2

Thank you for the opportunity to comment on this project. Please contact Kathy Duttonhefner (701-328-5370 or kgduttonhefner@nd.gov) of our staff if additional information is needed.

Sincerely,

A handwritten signature in cursive script that reads "Jesse Hanson". The signature is written in black ink and is positioned above the printed name and title.

Jesse Hanson, Manager
Planning and Natural Resources Division

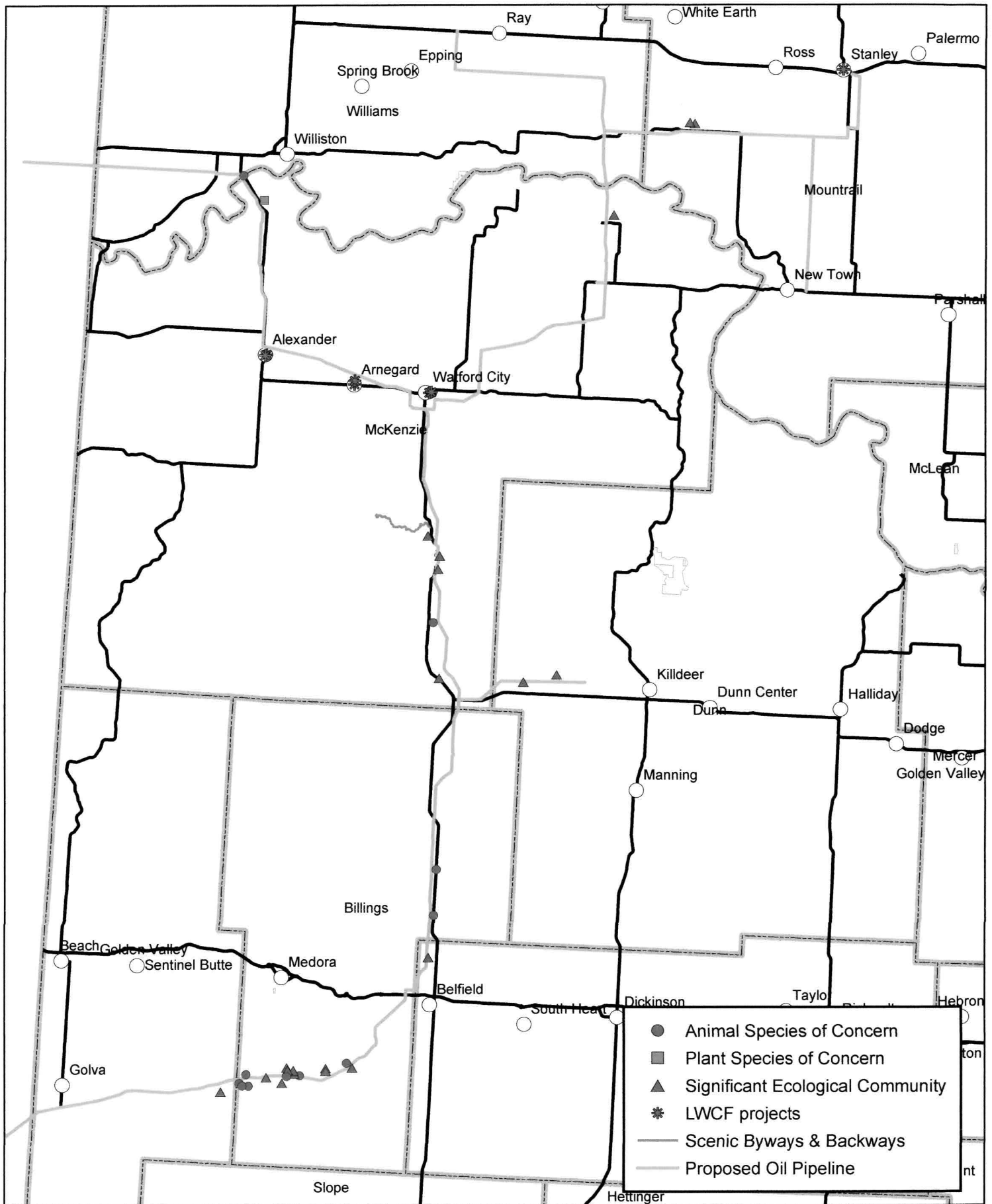
R.USNDNHI*2010-236
CD/0930/DL1011

North Dakota Parks and Recreation Department
Land and Water Conservation Fund Projects

Project Number	Project Name
38-00437	Alexander Access Road
38-00193	Alexander Recreation Area
38-00677	Arnegard Combination Building
38-00425	Arnegard Park Improvements
38-01146	Stanley Park Development #2
38-00222	Stanley Park Improvements
38-01202	Stanley Pool
38-00482	Stanley Recreation Improvements
38-00592	Stanley Swimming Pool Improvements
38-00883	Watford City Bolken Park
38-00483	Watford City Park Expansion

North Dakota Parks and Recreation Department

North Dakota Natural Heritage Inventory



North Dakota Natural Heritage Inventory
Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
<i>Falco mexicanus</i>	Prairie Falcon	S3	G5		138N101W - 01; 138N101W - 13; 139N101W - 35; 138N101W - 14; 139N100W - 31; 139N101W - 36; 138N101W - 11; 138N101W - 02; 138N100W - 07; 138N100W - 06; 138N101W - 12	Billings	1980-04-13		M
Eroding great plains badlands	Badlands Slope	S4	GNR		138N101W - 10; 138N101W - 03; 138N101W - 15; 138N101W - 16; 138N101W - 08; 138N101W - 14; 138N101W - 17; 138N101W - 04; 138N101W - 09; 138N101W - 22; 138N101W - 02; 138N101W - 21; 138N101W - 11	Billings	1963		M
Eroding great plains badlands	Badlands Slope	S4	GNR		138N101W - 10; 138N101W - 04; 138N101W - 15; 138N101W - 14; 138N101W - 03; 138N101W - 11; 138N101W - 17; 138N101W - 02; 138N101W - 08; 138N101W - 09; 138N101W - 16	Billings	1963		M
<i>Pascopyrum smithii</i> - <i>bouteloua gracilis</i> /carex filifolia prairie	Western Wheatgrass Prairie	S3S4	GNR		138N101W - 12	Billings	1983-05-25		S
<i>Falco mexicanus</i>	Prairie Falcon	S3	G5		138N101W - 18; 138N101W - 17; 138N101W - 19; 138N102W - 12; 138N102W - 13; 138N101W - 08; 138N101W - 20; 138N101W - 07; 138N102W - 24	Billings	1977-05-25		M
<i>Populus tremuloides</i> /prunus virginiana woodland	Aspen Woodland	S3	GNR		138N102W - 12	Billings	1983-05-25		S
Eroding great plains badlands	Badlands Slope	S4	GNR		138N102W - 12; 138N101W - 07; 138N101W - 06; 138N102W - 15; 138N102W - 11; 138N102W - 10; 138N101W - 18; 138N102W - 02; 138N102W - 14; 138N102W - 13; 138N102W - 01	Billings	1963		M
<i>Populus tremuloides</i> /prunus virginiana woodland	Aspen Woodland	S3	GNR		138N102W - 12; 138N102W - 13	Billings	1985-05-07		S
<i>Pascopyrum smithii</i> - <i>bouteloua gracilis</i> /carex filifolia prairie	Western Wheatgrass Prairie	S3S4	GNR		138N102W - 13	Billings	1983-05-25		S
<i>Falco columbarius</i>	Merlin	S2	G5		138N102W - 13; 138N102W - 24; 138N101W - 18; 138N101W - 07; 138N102W - 14; 138N102W - 11; 138N102W - 22; 138N102W - 23; 138N102W - 15; 138N102W - 12; 138N101W - 19	Billings	1976-05-16		M
Eroding great plains badlands	Badlands Slope	S4	GNR		138N102W - 14; 138N102W - 28; 138N102W - 10; 138N102W - 20; 138N102W - 15; 138N102W - 16; 138N102W - 09; 138N102W - 23; 138N102W - 27; 138N102W - 17; 138N102W - 22; 138N102W - 21	Billings	1963		M
<i>Aquila chrysaetos</i>	Golden Eagle	S3	G5		138N102W - 18	Billings	1978		S

North Dakota Natural Heritage Inventory
Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
<i>Mustela nigripes</i>	Black-footed Ferret	S1	G1	LE, XN	138N102W - 19; 138N102W - 18; 138N103W - 13; 138N102W - 31; 138N102W - 20; 138N103W - 25; 138N102W - 30; 138N102W - 29; 138N102W - 17; 138N103W - 24; 138N102W - 32	Billings, Golden Valley	1969		M
<i>Macrhybopsis gelida</i>	Sturgeon Chub	S2	G3		138N102W - 19; 138N102W - 30; 138N102W - 18; 138N103W - 25; 138N102W - 29; 138N103W - 24; 138N102W - 20; 138N103W - 13; 138N102W - 17	Billings, Golden Valley	1976-07-20		M
<i>Falco mexicanus</i>	Prairie Falcon	S3	G5		138N102W - 20; 138N102W - 31; 138N102W - 32; 138N103W - 24; 138N102W - 30; 138N102W - 16; 138N102W - 28; 138N102W - 19; 138N102W - 18; 138N102W - 29; 138N102W - 17; 138N102W - 21	Billings, Golden Valley	1981-07-11		M
Eroding great plains badlands	Badlands Slope	S4	GNR		138N102W - 23; 138N102W - 13; 138N102W - 24; 138N102W - 25; 138N102W - 14; 138N102W - 15; 138N102W - 22; 138N102W - 27; 138N102W - 26	Billings	1963		M
Eroding great plains badlands	Badlands Slope	S4	GNR		138N103W - 26; 138N103W - 27; 138N103W - 25; 138N103W - 23; 138N103W - 22; 138N103W - 36; 138N103W - 24; 138N103W - 34; 138N103W - 35	Golden Valley	1963		M
<i>Stipa comata</i> - <i>bouteloua gracilis</i> /carex filifolia prairie	Needle-and-thread Mixed Grass Prairie	S2	GNR		140N099W - 08; 140N100W - 01; 140N099W - 05; 140N099W - 04; 140N099W - 09; 140N100W - 13; 140N099W - 07; 140N099W - 17; 140N099W - 18; 140N099W - 06; 140N099W - 16; 140N100W - 12	Billings, Stark	1977		M
<i>Phoxinus eos</i>	Northern Redbelly Dace	S4	G5		141N099W - 22; 141N099W - 23	Billings	1973-07-16		S
<i>Phoxinus eos</i>	Northern Redbelly Dace	S4	G5		142N099W - 26; 142N099W - 27	Billings	1976-06-07		S
<i>Pascopyrum smithii</i> - <i>bouteloua gracilis</i> /carex filifolia prairie	Western Wheatgrass Prairie	S3S4	GNR		145N096W - 07; 145N097W - 13; 145N096W - 19; 145N097W - 24; 145N096W - 18; 145N096W - 05; 145N097W - 12; 145N096W - 17; 145N096W - 08; 145N096W - 06; 145N097W - 01; 145N096W - 20	Dunn	1976		M
<i>Schizachyrium scoparium</i> - <i>bouteloua</i> spp. (<i>curtipendula</i> , <i>gracilis</i>) prairie	Western Little Bluestem Prairie	S2	GNR		145N097W - 15; 145N097W - 09; 145N097W - 21; 145N097W - 17; 145N097W - 28; 145N097W - 23; 145N097W - 10; 145N097W - 27; 145N097W - 22; 145N097W - 16; 145N097W - 11; 145N097W - 14; 145N097W - 20	Dunn	1976		M
<i>Pascopyrum smithii</i> - <i>bouteloua gracilis</i> /carex filifolia prairie	Western Wheatgrass Prairie	S3S4	GNR		145N098W - 18; 145N099W - 12; 145N098W - 19; 145N098W - 17; 145N099W - 25; 145N098W - 07; 145N098W - 20; 145N099W - 13; 145N099W - 24; 145N098W - 08; 145N098W - 30	McKenzie	1976		M

North Dakota Natural Heritage Inventory Biological and Conservation Data Disclaimer

The quantity and quality of data collected by the North Dakota Natural Heritage Inventory are dependent on the research and observations of many individuals and organizations. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in North Dakota have never been thoroughly surveyed, and new species are still being discovered. For these reasons, the Natural Heritage Inventory cannot provide a definite statement on the presence, absence, or condition of biological elements in any part of North Dakota. Natural Heritage data summarize the existing information known at the time of the request. Our data are continually upgraded and information is continually being added to the database. This data should never be regarded as final statements on the elements or areas that are being considered, nor should they be substituted for on-site surveys.

Estimated Representation Accuracy

Value that indicates the approximate percentage of the Element Occurrence Representation (EO Rep) that was observed to be occupied by the species or community (versus buffer area added for locational uncertainty). Use of estimated representation accuracy provides a common index for the consistent comparison of EO reps, thus helping to ensure that aggregated data are correctly analyzed and interpreted.

Very high (>95%)

High (>80%, <= 95%)

Medium (>20%, <= 80%)

Low (>0%, <= 20%)

Unknown

(null) - Not assessed

Precision

A single-letter code for the precision used to map the Element Occurrence (EO) on a U.S. Geological Survey (USGS) 7.5' (or 15') topographic quadrangle map, based on the previous Heritage methodology in which EOs were located on paper maps using dots.

S - Seconds: accuracy of locality mappable within a three-second radius; 100 meters from the centerpoint

M - Minute: accuracy of locality mappable within a one-minute radius; 2 km from the centerpoint

G - General: accuracy of locality mappable to map or place name precision only; 8 km from centerpoint

U - Unmappable



Jack Dalrymple, Governor
Mark A. Zimmerman, Director

1600 East Century Avenue, Suite 3
Bismarck, ND 58503-0649
Phone 701-328-5357
Fax 701-328-5363
E-mail parkrec@nd.gov
www.parkrec.nd.gov

March 24, 2011

Todd Hartleben
McCain and Associates
2718 Gateway Ave., Suite 101
Bismarck, ND 58503

RE: Project: BakkenLink Pipeline, LLC

Dear Mr. Hartleben:

The North Dakota Park and Recreation Department (the Department) has reviewed the above referenced proposed BakkenLink Pipeline crude oil pipeline system.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). It should be noted in October of 2010 we responded to a very similar project at which time we provided spatial data (shapefiles) representing the below mentioned Natural Heritage species and ecological communities. The project as defined does not affect state park lands that we manage or Land and Water Conservation Fund recreation projects that we coordinate.

The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any current or historical plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, several animal species of concern, and significant ecological communities were identified near and in adjacent sections of the project. Several animal species of concern include *Falco mexicanus* (Prairie falcon), *Falco columbarius* (Merlin), and *Aquila chrysaetos* (Golden eagle). Significant ecological communities identified near proposed project site include but are not limited to *Schizachyrium scoparium* – *bouteloua* spp. prairie (Western little bluestem prairie) and *Stipa comata-bouteloua gracilis*/Carex filifolia prairie (Needle-and-thread mixed grass prairie). Please see the attached spreadsheet and map for additional species and communities and more specific information on these occurrences. We defer further comments regarding animal species to the North Dakota Game and Fish Department and the United States Fish and Wildlife Service.

Because this information is not based on a comprehensive inventory, there may be species of concern or otherwise significant ecological communities in the area that are not represented in the database. The lack of data for any project area cannot be construed to mean that no significant features are present. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

One of our primary concerns is potential impacts to not only plant and animal species of concern, but impacts to significant ecological communities. The Department recommends that the project be accomplished with minimal impacts and that all efforts be made to ensure that critical habitats not be disturbed in the project area to help secure rare species conservation in North Dakota. Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

The proposed pipeline crosses several streams and rivers including the Little Missouri River, and is located in river and stream floodplains. Please refer to Chapter 61-29 Little Missouri State Scenic River Act. The purpose of this chapter is to preserve the Little Missouri River as nearly as possible in its present state. We recommend that all streams and rivers including the Little Missouri be crossed by horizontal directional boring whenever possible. All efforts should be made to minimize erosion and sedimentation through utilization of appropriate erosion control measures.

The proposed pipeline also crosses through or adjacent to several USFS Roadless Areas, such as Lone Butte, Tracy Mountain and Kendley Plateau areas. We suggest that all potential impacts to these ecologically significant areas be adequately addressed in the environmental assessment for the project. These roadless areas provide exceptional recreation, and wildlife and fish habitat and all efforts should be made to limit any negative environmental impact to these areas.

.....
Play in our backyard!

April 1, 2011
Page 2

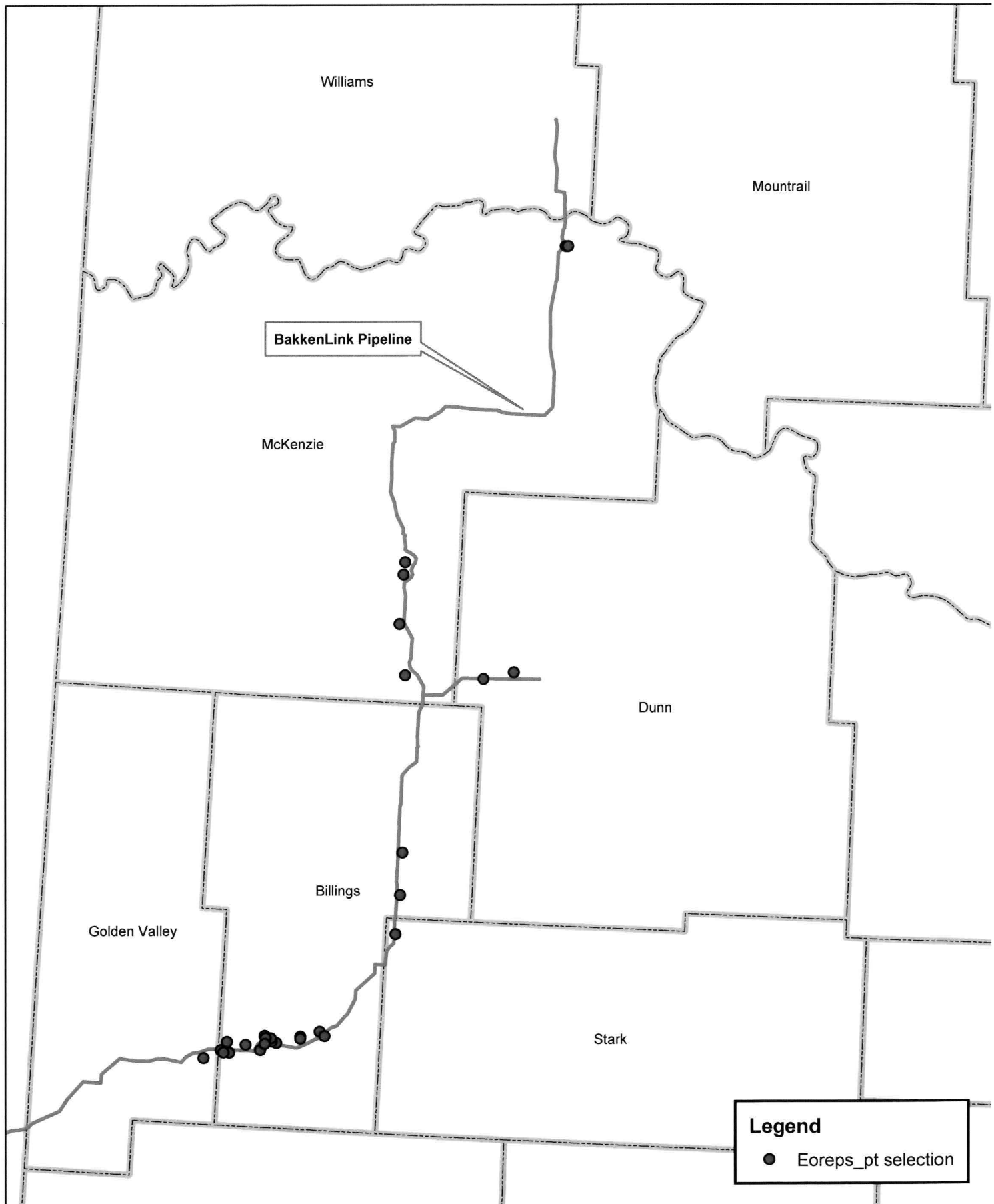
We appreciate your commitment to rare plant, animal and ecological community conservation, management and inter-agency cooperation to date. For additional information please contact Kathy Duttonhefner (701-328-5370 or kgduttonhefner@nd.gov) of our staff. Thank you for the opportunity to comment on this proposed project.

Sincerely,


Jesse Hanson, Manager
Planning and Natural Resources Division

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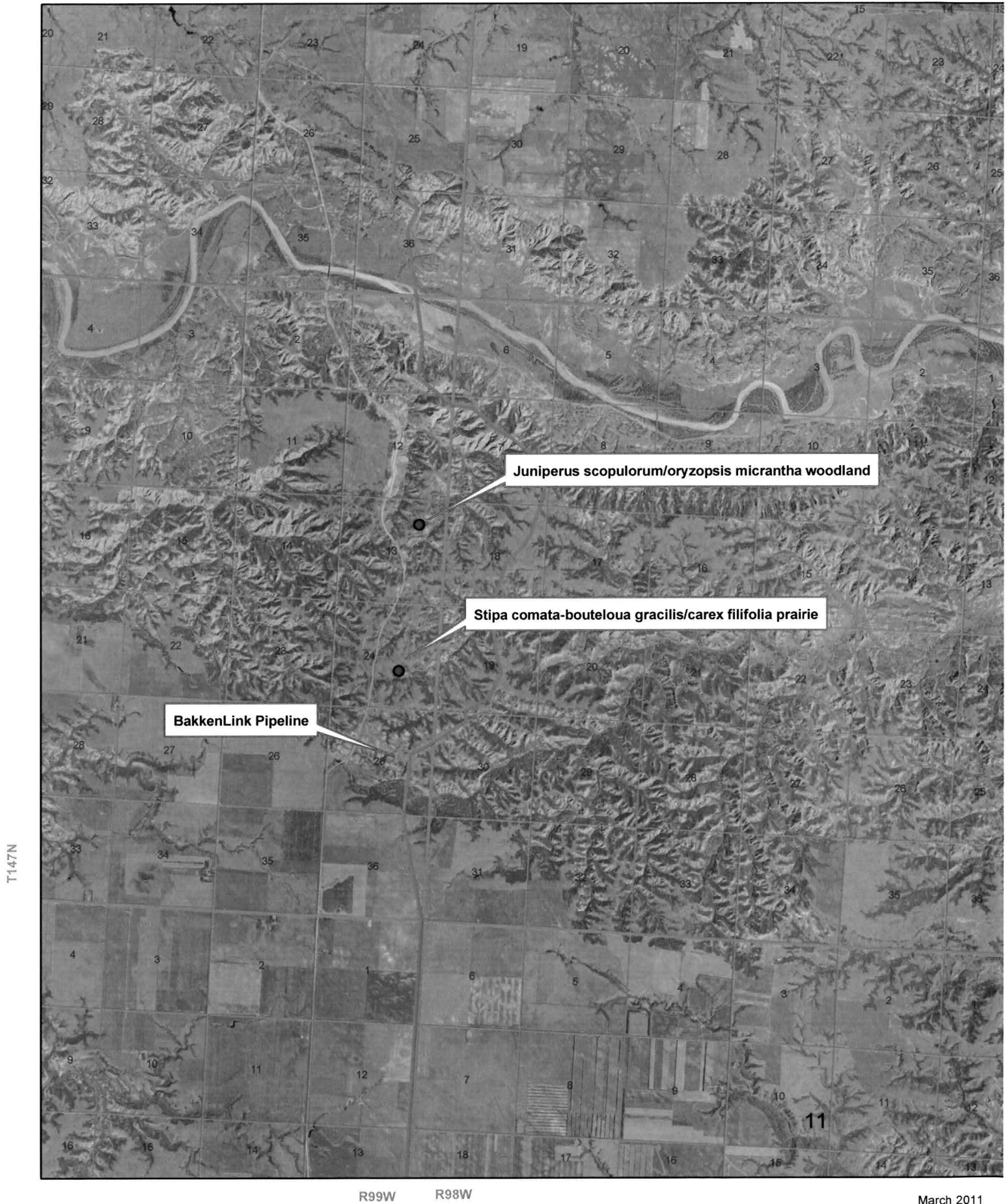
North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory



North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory

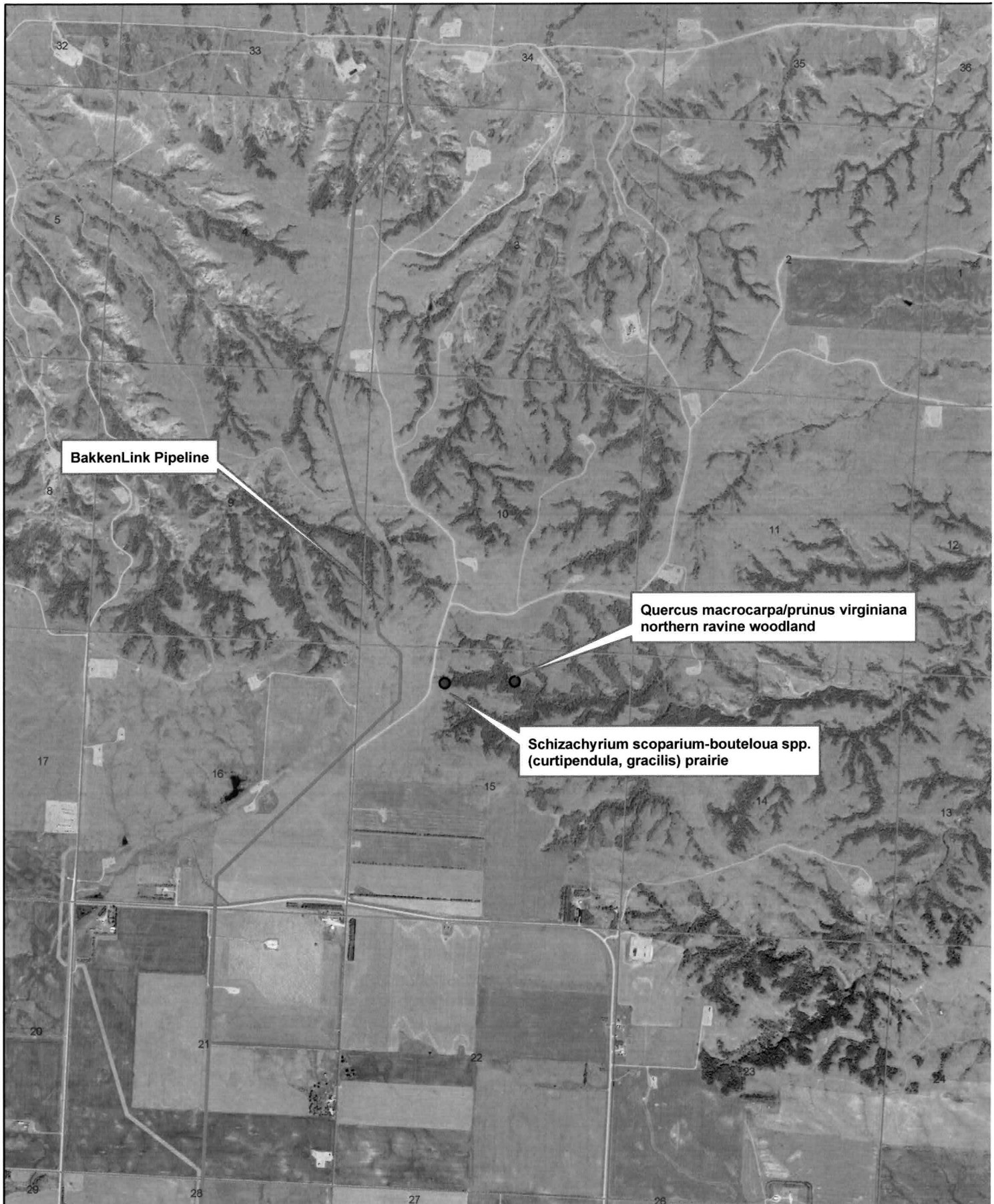


North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory



North Dakota Parks and Recreation Department
North Dakota Natural Heritage Inventory

T153N

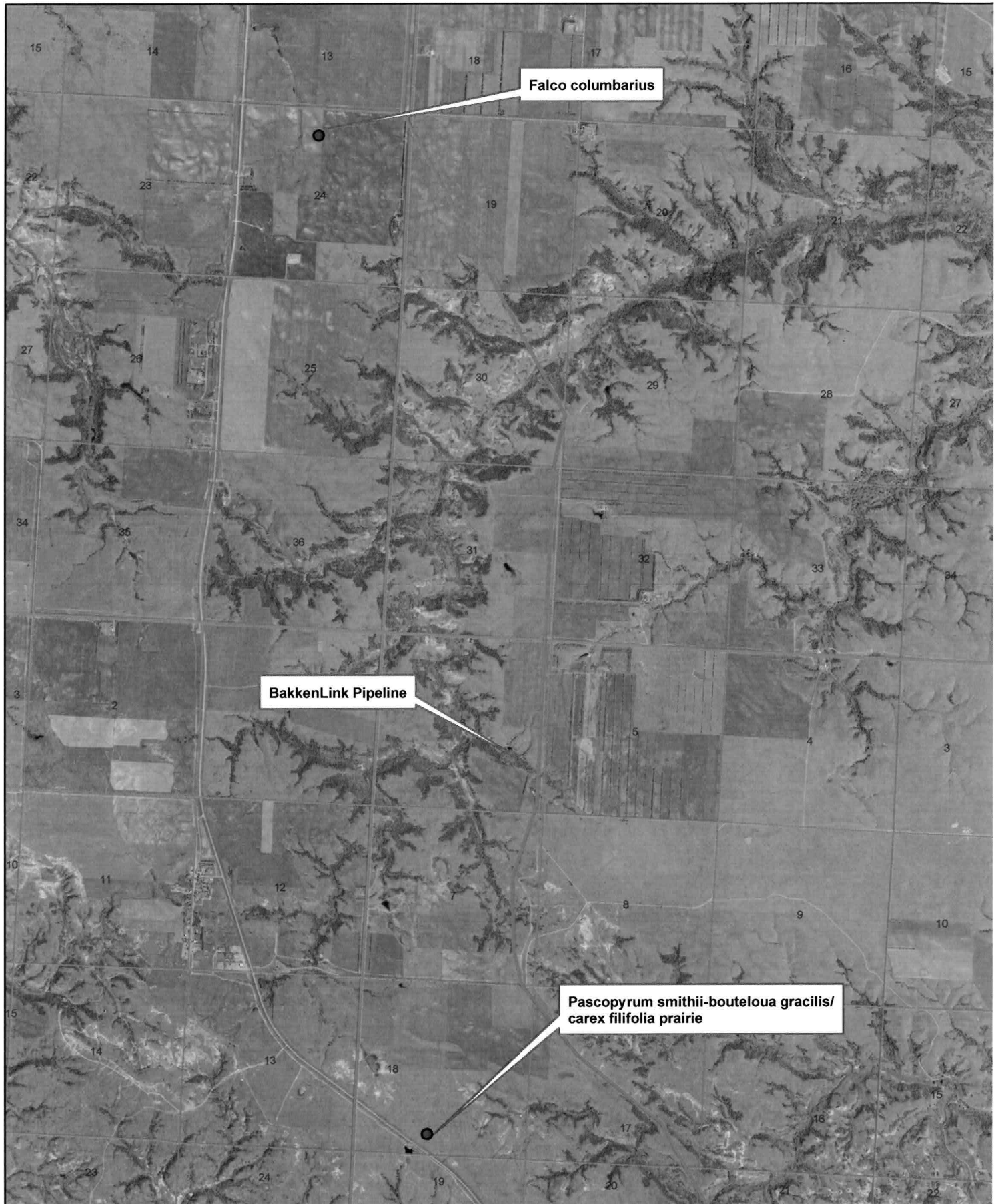


R95W

March 2011

North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory

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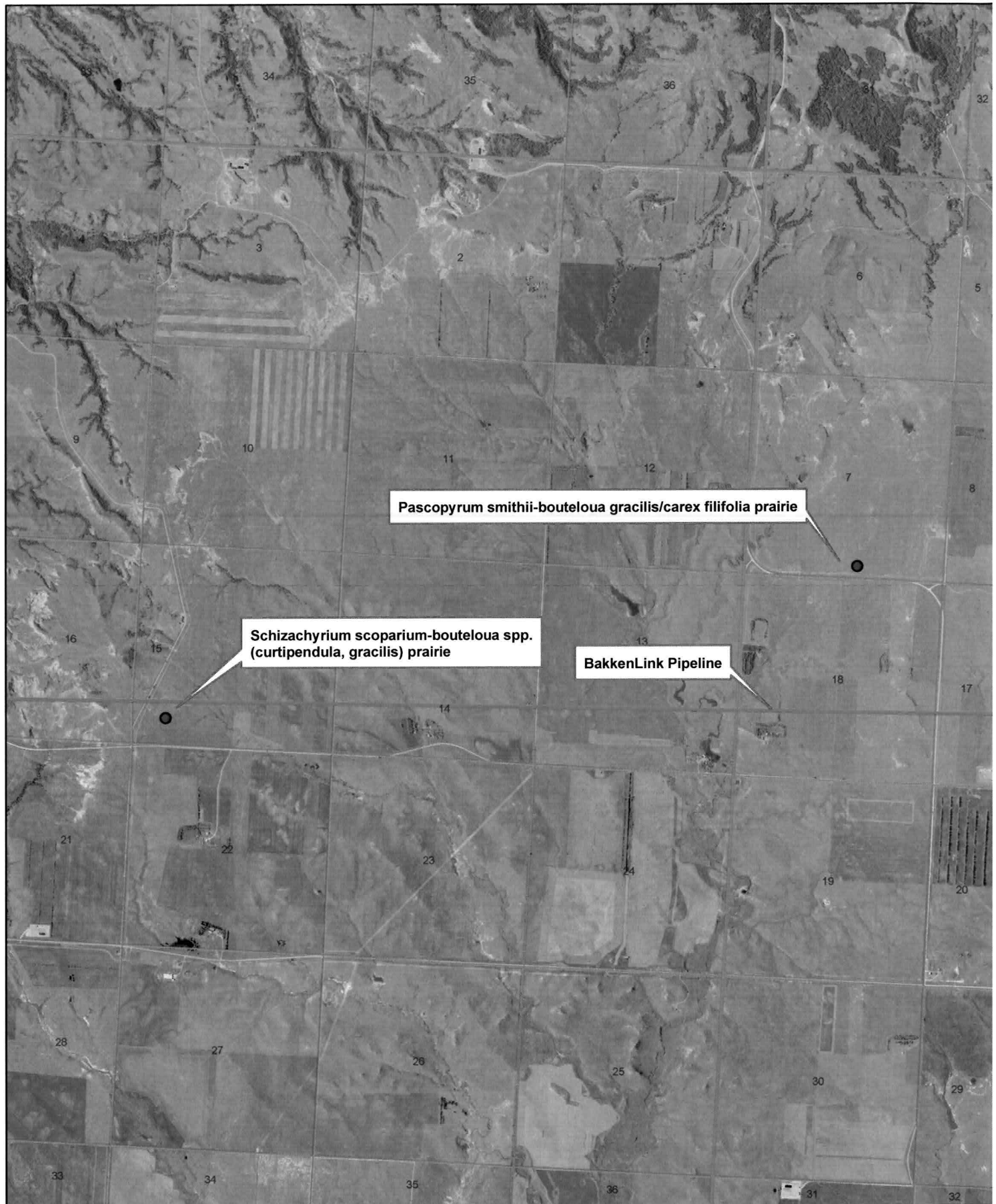


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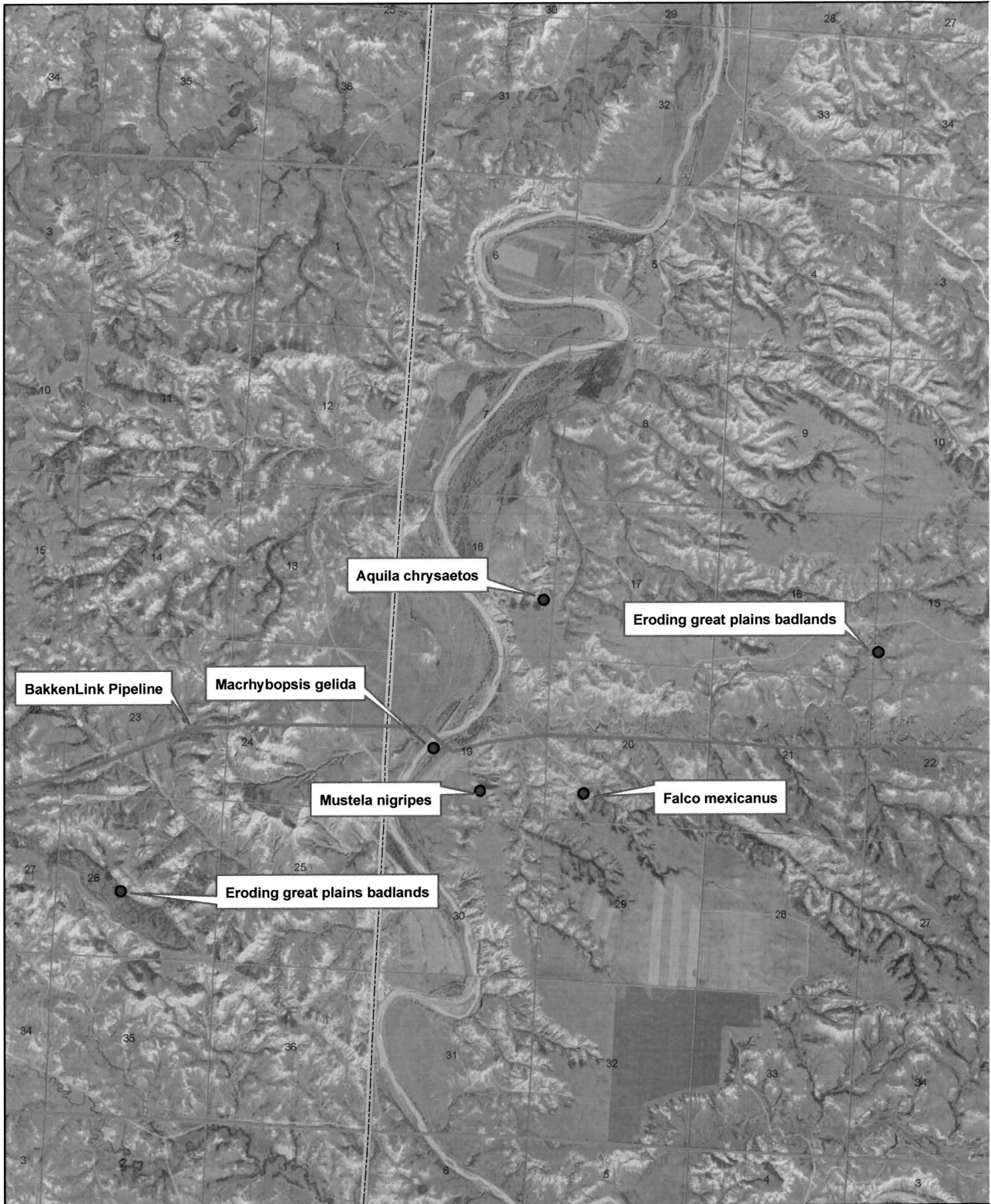
March 2011

North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory

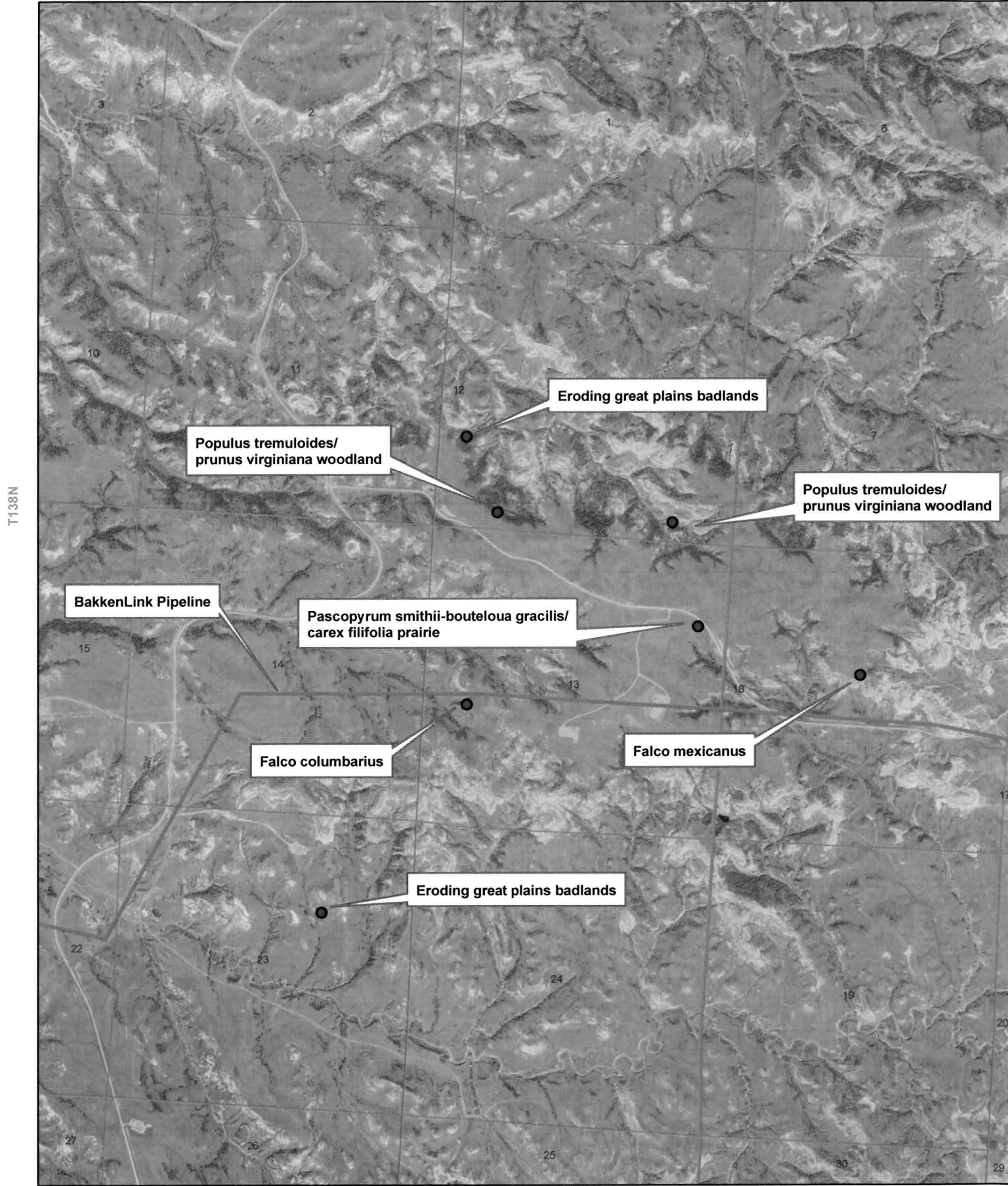


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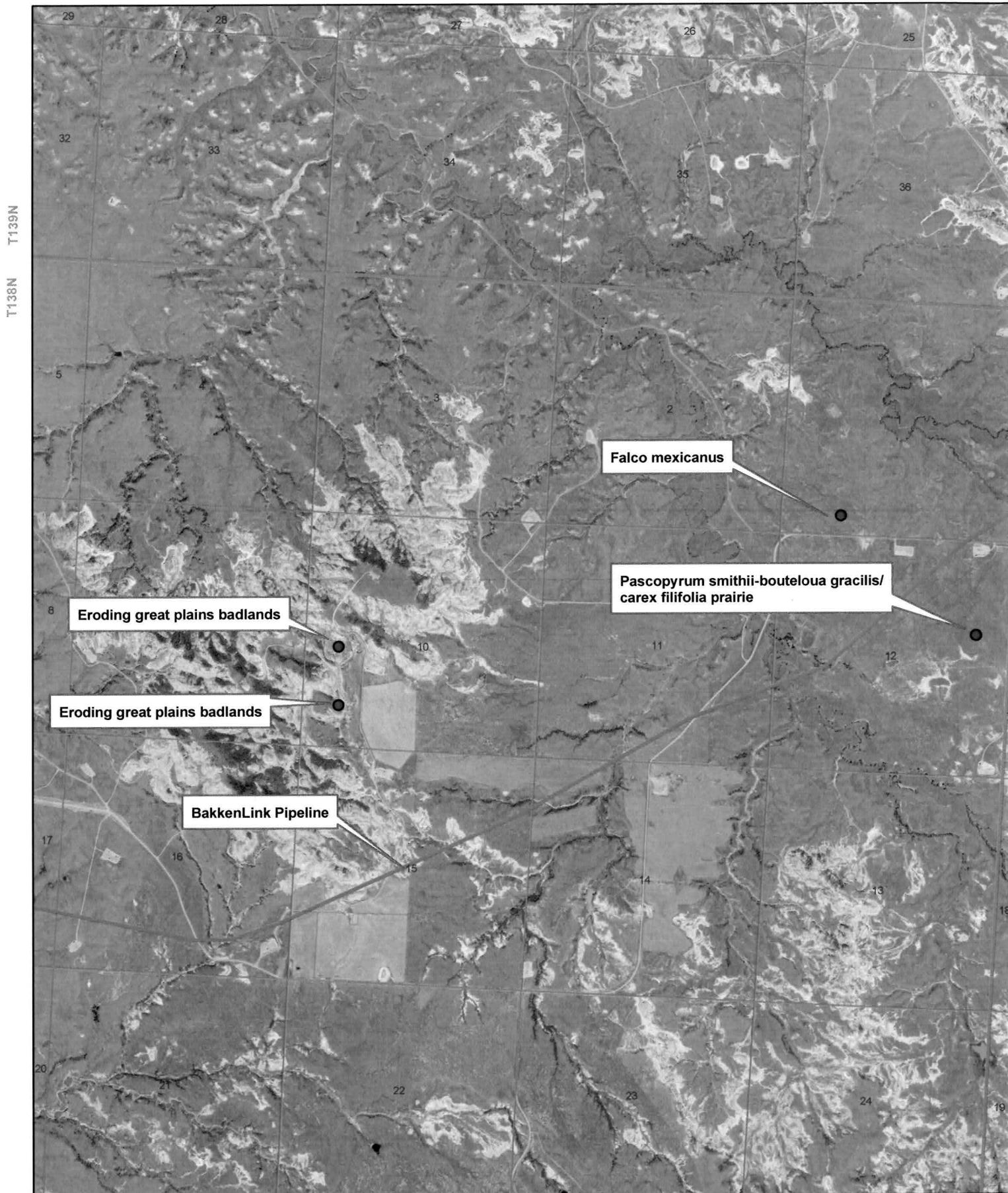
North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory



North Dakota Parks and Recreation Department
North Dakota Natural Heritage Inventory



North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory



North Dakota Natural Heritage Inventory
Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
Pascopyrum smithii - bouteloua gracilis/carex filifolia prairie	Western Wheatgrass Prairie	S3S4	GNR		145N098W - 18; 145N099W - 12; 145N098W - 19; 145N098W - 17; 145N099W - 25; 145N098W - 07; 145N098W - 20; 145N099W - 13; 145N099W - 24; 145N098W - 08; 145N098W - 30	McKenzie	1976		M
Falco mexicanus	Prairie Falcon	S3	G5		138N101W - 01; 138N101W - 13; 139N101W - 35; 138N101W - 14; 139N100W - 31; 139N101W - 36; 138N101W - 11; 138N101W - 02; 138N100W - 07; 138N100W - 06; 138N101W - 12	Billings	4/13/1980		M
Schizachyrium scoparium - bouteloua spp. (curtipendula, gracilis) prairie	Western Little Bluestem Prairie	S2	GNR		145N097W - 15; 145N097W - 09; 145N097W - 21; 145N097W - 17; 145N097W - 28; 145N097W - 23; 145N097W - 10; 145N097W - 27; 145N097W - 22; 145N097W - 16; 145N097W - 11; 145N097W - 14; 145N097W - 20	Dunn	1976		M

North Dakota Natural Heritage Inventory
Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
Eroding great plains badlands	Badlands Slope	S4	GNR		138N102W - 12; 138N101W - 07; 138N101W - 06; 138N102W - 15; 138N102W - 11; 138N102W - 10; 138N101W - 18; 138N102W - 02; 138N102W - 14; 138N102W - 13; 138N102W - 01	Billings	1963		M
Stipa comata - bouteloua gracilis/carex filifolia prairie	Needle-and-thread Mixed Grass Prairie	S2	GNR		140N099W - 08; 140N100W - 01; 140N099W - 05; 140N099W - 04; 140N099W - 09; 140N100W - 13; 140N099W - 07; 140N099W - 17; 140N099W - 18; 140N099W - 06; 140N099W - 16; 140N100W - 12	Billings, Stark	1977		M
Falco mexicanus	Prairie Falcon	S3	G5		138N101W - 18; 138N101W - 17; 138N101W - 19; 138N102W - 12; 138N102W - 13; 138N101W - 08; 138N101W - 20; 138N101W - 07; 138N102W - 24	Billings	5/25/1977		M

North Dakota Natural Heritage Inventory
Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
Eroding great plains badlands	Badlands Slope	S4	GNR		138N102W - 14; 138N102W - 28; 138N102W - 10; 138N102W - 20; 138N102W - 15; 138N102W - 16; 138N102W - 09; 138N102W - 23; 138N102W - 27; 138N102W - 17; 138N102W - 22; 138N102W - 21	Billings	1963		M
Juniperus scopulorum/oryzopsis micrantha woodland	Rocky Mountain Juniper Woodland	S3	GNR		147N099W - 13; 147N098W - 18; 147N099W - 14; 147N099W - 23; 147N099W - 24; 147N098W - 08; 147N098W - 07; 147N099W - 11; 147N098W - 17; 147N098W - 19; 147N099W - 12	McKenzie	6/5/1976		M
Eroding great plains badlands	Badlands Slope	S4	GNR		138N103W - 26; 138N103W - 27; 138N103W - 25; 138N103W - 23; 138N103W - 22; 138N103W - 36; 138N103W - 24; 138N103W - 34; 138N103W - 35	Golden Valley	1963		M

North Dakota Natural Heritage Inventory
Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
Falco columbarius	Merlin	S2	G5		146N099W - 24; 146N099W - 25; 146N099W - 13; 146N098W - 18; 146N099W - 14; 146N099W - 26; 146N099W - 23; 146N098W - 30; 146N098W - 19; 146N099W - 12	McKenzie	6/16/1976		M
Pascopyrum smithii - bouteloua gracilis/carex filifolia prairie	Western Wheatgrass Prairie	S3S4	GNR		138N102W - 13	Billings	5/25/1983		S
Pascopyrum smithii - bouteloua gracilis/carex filifolia prairie	Western Wheatgrass Prairie	S3S4	GNR		138N101W - 12	Billings	5/25/1983		S
Eroding great plains badlands	Badlands Slope	S4	GNR		138N102W - 23; 138N102W - 13; 138N102W - 24; 138N102W - 25; 138N102W - 14; 138N102W - 15; 138N102W - 22; 138N102W - 27; 138N102W - 26	Billings	1963		M
Eroding great plains badlands	Badlands Slope	S4	GNR		138N101W - 10; 138N101W - 04; 138N101W - 15; 138N101W - 14; 138N101W - 03; 138N101W - 11; 138N101W - 17; 138N101W - 02; 138N101W - 08; 138N101W - 09; 138N101W - 16	Billings	1963		M

North Dakota Natural Heritage Inventory
Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
Stipa comata - bouteloua gracilis/carex filifolia prairie	Needle-and-thread Mixed Grass Prairie	S2	GNR		147N099W - 24; 147N098W - 18; 147N099W - 14; 147N099W - 23; 147N099W - 26; 147N099W - 25; 147N098W - 30; 147N098W - 19; 147N099W - 13	McKenzie	1976		M
Macrhybopsis gelida	Sturgeon Chub	S2	G3		138N102W - 19; 138N102W - 30; 138N102W - 18; 138N103W - 25; 138N102W - 29; 138N103W - 24; 138N102W - 20; 138N103W - 13; 138N102W - 17	Billings, Golden Valley	7/20/1976		M
Eroding great plains badlands	Badlands Slope	S4	GNR		138N101W - 10; 138N101W - 03; 138N101W - 15; 138N101W - 16; 138N101W - 08; 138N101W - 14; 138N101W - 17; 138N101W - 04; 138N101W - 09; 138N101W - 22; 138N101W - 02; 138N101W - 21; 138N101W - 11	Billings	1963		M

North Dakota Natural Heritage Inventory Biological and Conservation Data Disclaimer

The quantity and quality of data collected by the North Dakota Natural Heritage Inventory are dependent on the research and observations of many individuals and organizations. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in North Dakota have never been thoroughly surveyed, and new species are still being discovered. For these reasons, the Natural Heritage Inventory cannot provide a definite statement on the presence, absence, or condition of biological elements in any part of North Dakota. Natural Heritage data summarize the existing information known at the time of the request. Our data are continually upgraded and information is continually being added to the database. This data should never be regarded as final statements on the elements or areas that are being considered, nor should they be substituted for on-site surveys.

Estimated Representation Accuracy

Value that indicates the approximate percentage of the Element Occurrence Representation (EO Rep) that was observed to be occupied by the species or community (versus buffer area added for locational uncertainty). Use of estimated representation accuracy provides a common index for the consistent comparison of EO reps, thus helping to ensure that aggregated data are correctly analyzed and interpreted.

Very high (>95%)

High (>80%, <= 95%)

Medium (>20%, <= 80%)

Low (>0%, <= 20%)

Unknown

(null) - Not assessed

Precision

A single-letter code for the precision used to map the Element Occurrence (EO) on a U.S. Geological Survey (USGS) 7.5' (or 15') topographic quadrangle map, based on the previous Heritage methodology in which EOs were located on paper maps using dots.

S - Seconds: accuracy of locality mappable within a three-second radius; 100 meters from the centerpoint

M - Minute: accuracy of locality mappable within a one-minute radius; 2 km from the centerpoint

G - General: accuracy of locality mappable to map or place name precision only; 8 km from centerpoint

U - Unmappable



NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



October 20, 2010

Mr. Todd Hartleben, P.E.
McCain and Associates, Inc.
2718 Gateway Avenue, Suite 101
Bismarck, ND 58503

Re: Bakken Link Pipeline, McKenzie, Mountrail, Williams, Billings, Stark and
Golden Valley Counties

Dear Mr. Hartleben:

This department has reviewed the information concerning the above-referenced project submitted under date of September 22, 2010, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. All necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective manner.
2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
3. Oil and gas related construction activities disturbing five or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Further information on the storm water permit may be obtained from the Department's website or by calling the Division of Water Quality (701-328-5210). Also, cities or counties may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.
4. The proposed pipeline crosses several aquifers, including the Little Knife River Valley, White Earth River Valley, Tobacco Garden, Little Missouri River, Charbonneau, Cherry

Creek, and Yellowstone Missouri aquifers. In addition, the proposed pipeline may be within, or in close proximity to, wellhead protection areas for several community and non-community water systems. Care should be taken to avoid spills of any material that may have an adverse effect on groundwater quality. All spills must be immediately reported to this Department and appropriate remedial actions performed.

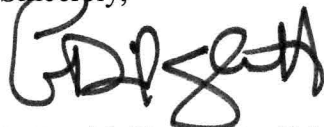
5. Noise from construction activities may have adverse effects on persons who live near the construction area. Noise levels can be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order. Noise effects can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours.

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. David Glatt', written over the word 'Sincerely,'.

L. David Glatt, P.E., Chief
Environmental Health Section

LDG:cc
Attach.



Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

Fill Material

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.



www.jobsnd.com

John Hoeven, Governor • Maren L. Daley, Executive Director

PO Box 5507 • Bismarck, ND 58506-5507

October 14, 2010

Mr. Todd Hartleben, P.E.
Professional Engineer
McCain and Associates, Inc.
2718 Gateway Avenue, Suite 101
Bismarck, North Dakota 58503

RE: Proposed Oil Pipeline
Quintana Capital Group GP, Ltd.

Dear Mr. Hartleben:

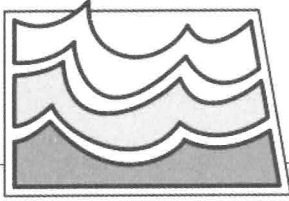
Job Service North Dakota administers the employment service and unemployment insurance programs.

We have no comments regarding the proposed project and have no applicable permits that are required from Job Service North Dakota.

Sincerely,

A handwritten signature in cursive script, appearing to read "Maren L. Daley".

Maren L. Daley
Executive Director



North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
701-328-2750 • TDD 701-328-2750 • FAX 701-328-3696 • INTERNET: <http://swc.nd.gov>

November 4, 2010

Todd Hartleben
McCain and Associates Inc.
2718 Gateway Avenue STE 101
Bismarck, ND 58503

Dear Mr. Hartleben:

This is in response to your request for review of environmental impacts associated with the Proposed Oil Pipeline, Quntana Capital Group GP, Ltd.

The proposed project have been reviewed by State Water Commission staff and the following comments are provided:

- The property is not located in an identified floodplain and it is believed the project will not affect an identified floodplain.
- It is the responsibility of the project sponsor to ensure that local, state and federal agencies are contacted for any required approvals, permits, and easements.
- All waste material associated with the project must be disposed of properly and not placed in identified floodway areas.
- No sole-source aquifers have been designated in ND.

There are no other concerns associated with this project that affect State Water Commission or State Engineer regulatory responsibilities.

Thank you for the opportunity to provide review comments. If you have any questions, please call me at 328-4969.

Sincerely,

Larry Knudtson
Research Analyst

LJK:dp/1570